

MINUTES
BOARD OF STATE AND COMMUNITY CORRECTIONS MEETING
THURSDAY, NOVEMBER 18, 2021 BOARD MEETING
Meeting Held Via Zoom & Teleconference

The full recording of the meeting may be viewed here:
<https://www.youtube.com/watch?v=2nqS-0qmlrE&t=524s>

I. Call to Order

Chair Linda Penner called the meeting to order at 09:00 AM.

Chair Penner welcomed the Board Members and the public to the Zoom meeting.

Board Secretary Adam Lwin provided instructions to the Board members and the public for participating in the meeting.

Lwin called the roll and announced that there was a quorum.

The following members were in attendance on Zoom or Teleconference:

Chair Penner	Mr. Growdon	Ms. Gaard	Mr. Steinhart
Ms. Allison	Mr. Haynes	Mr. Mills	Ms. Chavez
Mr. Viera Rosa	Ms. Vernon	Mr. Budnick	

ABSENT BOARD MEMBERS:

Ms. Cumpian

Chair Penner administered the Oath of office to Ms. Chavez.

II. Information Items

1. Chair's Report
2. Executive Director's Report

Executive Director Kathleen Howard presented the following:

a. COVID Update

- Reported that positive cases of COVID were noted in Sacramento, Santa Clara, San Diego, Tulare, and Yolo county jails.
- Said that Sacramento and Santa Clara counties post their information to their own county's websites and BSCC provides links to the county portals on the BSCC's website.

- Reported that there has been an increase in COVID cases overall.
- Stated that the BSCC has received letters from advocacy groups on data collection and posting information about vaccines and the limited authority of the agency to share with local facilities. Howard stated that the BSCC has shared vaccine information from the California Department of Public Health with the locals.
- Reported that staff has conducted a survey on fees in juvenile facilities. This request was made by Senator Maria Elena Durazo, Representative of District 24 in Los Angeles. The survey covered 27 counties and one response from a family member of a youth who was detained. The findings of the survey are posted on the BSCC's website and the survey will be sent to Senator Durazo. The Survey process may be found here: <https://www.bscc.ca.gov/bscc-juvenile-fees/>. The full report may be found here: https://www.google.com/url?client=internal-element-cse&cx=001779225245372747843:9ltw_z62rau&q=http://www.bscc.ca.gov/wp-content/uploads/FINAL_BSCC-Youth-Cost-Report-FY17_18.pdf&sa=U&ved=2ahUKewjgy-Dsp8H1AhVzI0QIHfvdBtgQFnoECAkQAQ&usg=AOvVaw0BhKVBTS0y_DYvwE0yXBel
- Reported on the Coronavirus Emergency Supplemental Funding (CESF) Grant audit findings conducted by the California State Auditor. Howard stated that the BSCC disagreed with most of the findings and a response letter was returned to the Auditor with BSCC's response. Howard mentioned that there will be an agenda item during this meeting for an approval of an additional 12 months to spend the CESF grant funds.

3. Legal Update

- General Counsel Aaron Maguire reminded Board Members to review the Agenda Items and recuse themselves of items that may have potential conflicts of interest pursuant to Government Code section 1091.

4. Legislative Update

- Presented to the Board Members within their materials.

Public Comment was heard for the Information Items:

Israel Villa: Referred to the Covid Outbreak in Monterey County and its worsening situation. Asked why the BSCC gave \$22 million to CDCR out of the CESF funding.

Shaun Leflore: Asked why transfers in county jails are happening during COVID.

Miguel Garcia: Requested that Sacramento County jail provide data on COVID.

Haile Gantan: Stated that Sacramento County Sheriff's Department should provide COVID data and the BSCC should conduct unannounced visits to Sacramento county jails.

Brian Goldstein: Requested that the BSCC collect testing data and vaccine data.

Avalon Edwards: Said that the BSCC should share and collect vaccine data for those in county jails.

End of Public Comment

III. Action: Consent Items

A. [Minutes from September 18, 2021 Board Meeting: Requesting Approval](#)

B. [Senate Bill 863 \(Adult Local Criminal Justice Facility Financing\) Alameda County Requesting Scope Change: Requesting Approval](#)

Mr. Growdon moved approval of the consent items A and B. Mr. Steinhart seconded. Mr. Mills was not present for the vote. The motion was approved by all other Board members to approve consent items A and B.

C. [Coronavirus Emergency Supplemental Funding \(CESF\) Grant, 12-Month, No-Cost Extension: Requesting Approval](#)

Mr. Steinhart moved approval of the consent item C. Mr. Growdon seconded. Mr. Mills was not present for the vote. Ms. Allison, Mr. Viera Rosa, Mr. Haynes, and Ms. Vernon recused pursuant to Government Code section 1091. The motion was approved by all other Board members.

The Agenda was taken out of order at the direction of the Chair.

V. Action: Discussion Items

D. [California Violence Intervention and Prevention Grant Program, Request for Proposals: Requesting Approval](#)

Field Representative Katrina Jackson presented this Agenda item, which requested Board approval to release the California Violence Intervention and Prevention (CalVIP) Grant Program Request for Proposals as recommended by the CalVIP Executive Steering Committee (ESC).

Mr. Viera Rosa moved approval. Ms. Vernon seconded. Mr. Budnick recused pursuant to Government Code section 1091. Mr. Mills was not present for the vote. The motion was approved by all other Board members.

E. Edward Byrne Memorial Justice Assistance Grant (JAG), 2021 Survey Results and Analysis: Information Only

Research Manager Kasey Warmuth presented this information item. Ms. Warmuth said that the BSCC is the state administering agency for the federally funded Edward Byrne Memorial Justice Assistance Grant (JAG) Program. JAG funding is primarily available to states and local governments to help address self-identified criminal justice needs. In September 2020, the BSCC began the process of gathering information and data to inform and update the JAG multi-year state strategy. The BSCC, in partnership with the National Criminal Justice Association (NCJA), gathered input from interested parties through a year-long public input process consisting of two virtual listening sessions, a written comment period, and a web-based survey. The findings of the report may be found here:

[JAG Findings Report 2021](#)
[JAG Findings Appendices](#)

This item did not require a vote.

F. Edward Byrne Memorial Justice Assistance Grant (JAG) Program, Appointment of Chair and Establishment of an Executive Steering Committee: Requesting Approval

Field Representative John Prince presented this agenda item which requested approval to appoint a Chair to the Edward Byrne Memorial Justice Assistance Grant (JAG) Program and delegate authority to the Chair to work with BSCC staff to establish a diverse ESC with relevant subject-matter expertise and to modify membership as needed. Authorize the ESC to oversee the development of the JAG Program Request for Proposals and to make funding recommendations; and approve the proposed activities and tentative timeline associated with development of the JAG Program RFP.

Chair Linda Penner agreed to Chair this ESC.

Mr. Steinhart moved approval. Mr. Budnick seconded. Mr. Growdon, Mr. Haynes, Ms. Vernon, and Ms. Chavez recused pursuant to Government Code section 1091. Mr. Mills was not present for the vote. The motion was approved by all other Board members.

The Board recessed at 9:55 a.m.

The Board resumed at 10:00 a.m.

IV. SPECIAL ORDER OF BUSINESS (Commenced at 10:00 a.m.)

Reinspection of Los Angeles County Juvenile Halls - Determination of Suitability
- (Welf. & Inst. Code, § 209, subd. (a)(4))

- Barry J. Nidorf Juvenile Hall, Los Angeles County
- Central Juvenile Hall, Los Angeles County

General Counsel Maguire, Deputy Director Allison Ganter, and Field Representative Lisa Southwell presented on this agenda item:

Maguire provided an update of the September Board meeting in which the Board made a determination of suitability within the meaning of Welf. & Inst. Code, § 209, subd. (a)(4) that both Los Angeles County Juvenile Halls were not suitable for the confinement of youth.

He reported that the conditions that rendered the facilities unsuitable now have been remedied and the facilities are suitable for the confinement of youth. Staff will present a summary of the activities that the BSCC Field Representatives are performing since the last inspection results.

Ganter presented the list of reinspection items for the two facilities that were performed by the BSCC staff and the County Health Inspector and the BSCC's recommendations. The full detailed report may be found here: <https://www.bscc.ca.gov/wp-content/uploads/Supplemental-Report-to-Board-Suitability-of-LA-County-Juvenile-Facilities-FINAL-11-17-21.pdf>

[Reinspection of Barry J. Nidorf Juvenile Hall](#)
[Reinspection of Central Juvenile Hall](#)

Ganter also presented new items of noncompliance that were identified during the reinspection.

Staff recommended that the Board:

1. Find the Los Angeles County Department of Probation Barry J. Nidorf facility compliant with the following regulations:
 - Item 1.A.§1402. Scope of Health Care
 - Item 1.B.§1432. Health Assessment
 - Item 1.C.§1434. Consent and Refusal for Health Care
 - Item 1.D.§1438. Pharmaceutical Management
 - Item 1.E. §1439. Psychotropic Medications
 - Item #4. § 1354.5, Room Confinement
 - Item #6. § 1358, Use of Physical Restraints
2. Find the Los Angeles County Department of Probation Central Juvenile Hall facility compliant with the following regulations:
 - Item 1.A.§1402. Scope of Health Care
 - Item 1.B.§1432. Health Assessment

- Item 1.C.§1434. Consent and Refusal for Health Care
- Item 1.D.§1438. Pharmaceutical Management
- Item 1.E. §1439. Psychotropic Medications
- Item #4. § 1354.5, Room Confinement
- Item #6. § 1358.5, Use of Restraint Devices for Movement and Transportation within the Facility

Mr. Steinhart asked how the Central Juvenile Hall's new findings have come into compliance with section 1354.5 Room Confinement.

Ganter explained that there are two separate sections of the regulations that were in violation during the different inspection periods.

3. Make a determination of suitability within the meaning of Welfare and Institutions Code section 209, subdivision (a)(4), for the following facilities:
 - Barry J. Nidorf, Los Angeles County
 - Central Juvenile Hall, Los Angeles County

Chair Penner invited Los Angeles County Probation Chief Adolfo Gonzales to comment.

Gonzales stated that the county has addressed the items that were out of compliance. The county has prepared an electronic medical record system and obtained laptops for mental health services and for health services and other technological equipment to conduct rapid analyses and medical assessments. A Wi-Fi system has been set up in the facilities for use. The county is also monitoring medical reports moving forward. In addition, four-hour training for mechanical restraints and confinement is being conducted for all staff in both facilities. Managers are monitoring the units and ensuring that staff is following protocol. Ongoing training for all sworn staff accordance to Title 15 are being administered. Real-time feedback is being administered as well.

Gonzales added that the county has partnered with the juvenile court health service and the Department of Mental Health to move forward and make improvements and update their health plans in place will continue for the long term.

Public Comment was heard for this item:

Oscar Canales: Suggested that unannounced inspections and better inspections should be conducted by the BSCC and improve the inspections process.

Sue Burrell: Asked about a letter which was written to Los Angeles County Probation on restraints while moving youth in the facility. The letter may be referenced here: <https://www.bscc.ca.gov/wp-content/uploads/Letter-to-Katie-Howard-from-PJDC-on-Individualized-Assessment-in-Restraints-10.14.21.pdf>

Aditi Sherikar: Referred to the Department of Justice reports of the juvenile halls. Suggested that the Board improve inspections at all facilities.

Nancy Juarez: Asked the Board to rereview the determination of suitability of the Los Angeles juvenile halls and to improve the inspection process.

Damon Ayala: Suggested that routine unannounced inspections should be conducted and for an improved inspection process.

End of Public Comment

Mr. Steinhart asked Los Angeles County Probation Department regarding youth being transported with restraints at the Barry J. Nidorf facility.

Field Representative Lisa Southwell responded that the county has secured a location at the compound where the youth will not be restrained. The county has also secured a medical trailer where the youth will be minimized from restraint and movement. Youth are no longer restrained during movement.

Mr. Haynes asked what the long-term plan for training was.

Chief Gonzales responded that a two-week course on report writing and Title 15 regulations with an eight-hour minimum training will be provided.

Chair Penner asked how the county will sustain suitability moving forward.

Los Angeles County responded that ongoing accountability and compliance of both facilities will be conducted. Initial training and ongoing training will be conducted moving forward. Managers will be on site and reviewing the safety and security of the youth and staff.

Ms. Chavez asked what the budget resources and the commitment of the Board of Supervisors for the facilities are and if medical personnel was provided to the facilities.

Los Angeles County responded that the Board of Supervisors has been supportive of the probation department. Additional medical or mental health personnel would not be added and will use the current resources available. The county added that there is several personnel that would be able to support the youth during the whole health assessment.

Mr. Budnick stated that he is looking forward to an improved inspection process.

Mr. Viera Rosa asked for an explanation as to how the county has been found suitable but additional items of noncompliance were identified.

Penner said that there will be quality assurance measures taken in LA county and continued regulatory enforcement. The Board will begin to use the new authority to conduct surprise inspection process aggressively. Penner said that she feels confident that there will be some changes and differences county by county.

Mr. Steinhart moved approval. Mr. Haynes seconded. Ms. Gaard did not participate in the vote. The motion was approved by all other Board members to approve that Los Angeles County Juvenile Halls, Barry J. Nidorf, and Central Juvenile Halls are suitable to house young people.

Deputy Director Ganter presented the new items of noncompliance found in Los Angeles County in both adult and juvenile facilities.

The County was verbally notified on October 15, 2021, and in writing on November 15, 2021 about issues related to room confinement as part of the reinspection debriefing. The County has begun to correct the items and has been asked to submit a formal corrective action plan to specifically address the items of noncompliance by December 14, 2021. The first issue occurred at both the Barry J. Nidorf and the Central Juvenile Halls during the reinspection. Youth who were placed in locked rooms after a fight was not documented as room confinement.

The County has provided training to staff and managers and BSCC staff survey youth and reported that confinement for long periods of time is no longer being conducted at the facilities. As part of the corrective action plan, the department is recommending that it provide policies and procedures on appropriate room confinement during shift change with detailed instructions.

Recommendations to the juvenile regulation revisions will be made to further define the terms of “brief” periods allowed for and institutional operations. Staff will notify the Board of the county’s progress.

The second new issue was identified at the Central Juvenile Hall regarding safety checks Section 1328. BSCC staff observed staff at the facility not conducting safety checks according to regulations. Direct visual observations were not being conducted according to Section 1302. After verbal notification, the agency staff took action to remedy the situation. BSCC staff also addressed the issue of youth having to use unacceptable means to relieve themselves during their sleeping hours such as a milk carton. Ganter stated that at the upcoming juvenile regulation revisions the issue of accessibility for youth to use the bathroom during the night will be addressed.

Ms. Allison asked Los Angeles County officials if there is a policy that prevents youth from using the restroom during sleeping hours.

Chief Gonzales responded that there is not a policy that prevents an officer from opening a door to allow youth from using the restroom.

Chair Penner asked about electronic room checks. Ganter responded that LA County is still using pen and paper. Gonzales added that due to the facilities age there are some difficulties in installing electronic methods, but they are looking into different methods.

Public Comment was heard:

Sue Burrell: Asked BSCC staff to meet with the California Department of Justice and collaborate on both findings. Asked the Board to strengthen the inspection process and regulations moving forward and standards for juvenile facilities.

End of Public Comment

Counsel Maguire added that the BSCC is in contact with the Attorney Generals' office on this matter.

G. Proposition 64 Public Health and Safety Grant Program, Appointment of Chair, and Establishment of an Executive Steering Committee: Requesting Approval

This agenda item was presented by Field Representative Helene Zentner and requested approval to establish an ESC to develop a Request for Proposals (RFP) for the third cohort of the Proposition 64 Public Health & Safety (PH&S) Grant Program. Staff is also requesting the Board appoint a Chair to oversee the grant-development process, authorize staff to work with the ESC Chair to establish a diverse ESC with relevant subject-matter expertise, and delegate authority to the Chair to modify ESC membership if needed.

The Board Chair requested Mr. Guillermo Viera Rosa to serve as Chair of this ESC. Mr. Viera Rosa agreed.

Public Comment was heard for this item:

Adwoa Akyianu: Thanked the Board for the opportunity for this grant opportunity.

End of public comment

Ms. Chavez moved approval. Ms. Vernon seconded. Mr. Growdon recused pursuant to Government Code section 1091. The motion was approved by all other Board members to approve Agenda Item G.

H. Proud Parenting Grant Program Funding Recommendations: Requesting Approval

This agenda was presented by Field Representative Zentner and requested Board approval of the Proud Parenting Grant Program awards as recommended by its ESC and Scoring Panel members. The Proud Parenting Grant Program is funded through an annual appropriation in the State Budget Act.

Zentner asked that the Board fully fund the eight (8) top-ranked Proud Parenting Grant Program proposals totaling \$795,223 and one (1) partial award to the next-ranked proposal in the amount of \$39,777 for a total of \$835,000 available.

Zentner also asked that the Board authorize staff to offer a conditional award to the applicant(s) next on the rank-ordered list if an applicant does not accept the conditional grant award.

Ms. Chavez moved approval. Ms. Allison seconded. Mr. Mills and Mr. Budnick were not present for the vote. The motion was approved by all other Board members to approve Agenda Item H.

I. Standards and Training for Corrections Compliance Report and Annual Update: Information Only

This agenda item was presented by Deputy Director Evonne Garner. Section 318 of Title 15 of the California Code of Regulations directs the BSCC to annually monitor local correctional agency compliance with Standards and Training for Corrections (STC) training standards.

152 agencies participated in the STC Program in 2020-21, which included police, probation, and sheriff totaling 31,373 local correctional staff. Due to COVID-19 the number of exams decreased for 2020-21 compared to previous years. 148 agencies were found to be “In Compliance” and four agencies were “Out of Compliance” with STC training requirements

This item did not require a vote.

J. Adult Titles 15 and 24 Regulations: Approval of Proposed Revisions and Launch of Rulemaking Process: Requesting Approval

Chair Penner begin by thanking Sheriff Brandon Barnes for Chairing this committee.

Deputy Director Ganter presented this agenda item, which requested approval of the following: Significant revisions that align regulations with available national best practices to ensure increased safety for people housed and working in local detention facilities. Some highlights in the revisions include:

- Replacing outdated and inappropriate terminology with gender-inclusive and people-centered language, such as “person” rather than “inmate.”
- Prohibiting the use of carotid holds and the disciplinary diet.
- Expanding requirements for safety checks to ensure that they are random and varied, that a supervisor conducts a documented review of completed safety checks and recognizes more frequent safety checks for high-risk situations.
- Aligning suicide prevention requirements with best practices, including that facility policy and procedures reflect best practices, that people receive suicide prevention screening in special circumstances, such as a return from court, follow-up after a suicide attempt, and ensuring the least restrictive housing placement for people who may be experiencing suicidal ideation.
- Updating regulations for high-risk regulations such as safety cell and restraints to include best practices and a recognition that the least-restrictive methods should be used for people being placed in these situations.
- Defining “out of cell time” and increasing the amount of time people must spend outside their cells from three (3) hours over a period of seven (7) days to ten (10) hours and specifying that some of this time must be used for exercise.
- Requiring facilities to provide appropriate telecommunications devices for people with hearing or speech impairment.
- Changes relevant to clothing and bedding that emphasizes the responsibility to provide clothing and mattresses that are clean, free of stains, holes, and tears.

Public Comment was heard for this item:

Jeff Bell: Appreciated the ability to participate in the committee to revise the regulations and asked the Board to approve the regulation revisions.

Pamila Lew: Asked the Board to reconsider three regulations on disability rights.

- Regulation 1055 reconsider to 6 hours maximum
- Regulation 1065 reconsider 3 hours a day out of a cell
- Regulation 1240 reconsider two hot meals with protein included in the meals

Damon Ayala: As a community member inquired about employment as a Field Representative.

Avalon Edwards: Referred to an analysis about formerly incarcerated individuals to the ESC and the BSCC did not take advantage of the analysis. The ESC's public comment process and the prominent sheriff process should be reconsidered and rebalance the membership.

James Martinez: Expressed concerns about the new changes of the regulations and believed that there was a large sheriff representation on the ESC. Urged that there should be a balance on future balance on the ESC membership.

Brian Goldstein: Asked the Board to update Sections 1240 to provide two hot meals, 1260 to provide clean underwear, and 1060.5 to conduct safety checks every 30 minutes.

End of Public Comment

Board Members discussed the revisions for the hot meals, the membership of the ESC members, and how subject-matter experts were consulted during the process over 10 workgroups.

Ganter explained that the process was transparent and involved diverse individuals' input. The current proposed regulations will go through the Office of Administrative Law and will proceed through a 45-day public comment period.

Board Members asked about the consideration of public comment in the current revisions. Ganter explained that the process has been open to the public for two years and the ESC has reviewed all public comments received. Ganter explained how all input has been added and considered at the middle ground and if the vote were to be moved forward on the calendar it would move the statutory process and would delay the juvenile regulation revision process.

Ms. Chavez asked for the financial implication of what would happen if the Board makes a change to the regulations at the current juncture.

Ganter responded that during the discussions with subject-matter experts the fiscal analysis was conducted. Before the changes and impact to the locals are set in law the fiscal analysis is also conducted by the Office of Administrative Law.

Director Howard and Counsel Maguire suggested that the Board can meet in December to have more time to discuss the matter further and have more time to think about the situation.

Mr. Mills suggested that the Board should trust the process and staff's work that has been in place.

Mr. Haynes agreed with Mr. Mills that the process should be trusted and should be adhered to and will support moving forward.

Chair Penner moved approval. Mr. Viera Rosa seconded. Ms. Chavez Abstained. Mr. Budnick and Mr. Steinhart were not present for the vote. The motion was approved by all other Board members to approve Agenda Item J.

K. Enhanced Local Detention Facility Inspection Update: Requesting Approval

This item was presented by Deputy Director Ganter and requested that the Board approve recommendations outlined in the attachment titled “Outstanding Items of Noncompliance and Status – 20/22 Biennial Inspections here: <https://app.smartsheet.com/b/publish?EQBCT=d4d8ffca0f3e4fc49ef678d760872d85>

Ms. Chavez moved approval. Mr. Mills seconded. Mr. Growdon abstained. Mr. Budnick and Mr. Steinhart were not present for the vote. The motion was approved by all other Board members to approve Agenda Item K.

VI. Public Comment

Brian Goldstein: Refer to the October State Auditor’s report on the CESF funds. Asked the BSCC to address the issues of the auditor’s report.

Chair Penner responded that the Board has responded to the Auditor and it is on the State Auditor’s website and if any members are concerned about the Auditor’s response to please refer to the BSCC’s response.

VII. Adjourn

Meeting Ended at: 2:45 p.m.

ATTENDANCE ROSTER

BSCC BOARD MEMBERS:

1. Chair Penner, Chair, Board of State and Community Corrections
2. Ms. Allison, Secretary, California Department of Corrections & Rehabilitations (CDCR)
3. Mr. Viera Rosa, Director Division of Adult Parole CDCR
4. Mr. Growdon, Sheriff, Lassen County
5. Mr. Mills, Chief of Police, Santa Cruz
6. Ms. Gaard, Retired Judge, Yolo County
7. Mr. Haynes, Chief Probation Officer, Fresno County
8. Ms. Vernon, Chief Probation Officer, Kings County
9. Mr. Steinhart, Director, Commonweal Juvenile Justice Program
10. Mr. Budnick, Founder, Anti-Recidivism Coalition
11. Ms. Chavez, Supervisor, Santa Clara County

BSCC STAFF:

Kathleen T. Howard, Executive Director
Aaron Maguire, General Counsel
Tracie Cone, Communications Director
Allison Ganter, Deputy Director, Facility Standards and Operations
Adam Lwin, Board Secretary
Ricardo Goodridge, Deputy Director, Corrections Planning and Grants Program
Evonne Garner, Deputy Director, Standards and Training for Corrections
Allison Ganter, Deputy Director, Facility Standards and Operations
Helene Zentner, Field Representative, Corrections Planning and Grants Program
John Prince, Field Representative, Corrections Planning and Grants
Katrina Jackson, Field Representative, Corrections Planning and Grants
Kasey Warmuth, Chief of Research